9/13/77 [1]

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THE WHITE HOUSE WASHINGTON

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September 13, 1977

MEMORANDUM FOR:

THE PRESIDENT

FROM:

TIM KRAFT

You are scheduled to appear at the DNC California fundraiser on Saturday, October 22. We would like to get your feeling about adding Friday, and several stops, to the itinerary on the way out. Actual Visit to gletto areas - for photos, etc -

A rough outline is as follows:

FRIDAY, OCTOBER 21, 1977

Office hours till midday; depart for Detroit and participate in a CSA Regional Forum there, a public meeting focused on inner-city problems and the urban poor; following this, a 30-minute meeting with Detroit Suburban Mayors.

Evening -- address the Iowa Jefferson-Jackson Day Dinner, in Des Moines. This is one of a handful of states where state party fundraisers do help Congressional candidates, with a skilled use of computerized voter I.D. and GOTV. The Jefferson-Jackson Day Dinner was tremendously helpful to us in '75, and we have received numerous appeals from early supporters to attend this one.

Frank Moore thinks it would be a good stop to say something about the farm bill which he thinks will be passed by then; Jody strongly recommends this stop.

SATURDAY, OCTOBER 22, 1977

You have expressed an interest in touring the Strategic Air Command facilities in Omaha, Nebraska. We could do this in the morning, and be in Denver by noon.

Why Denver? To show recognition and express concern for the problems of the Rocky Mountain Community and to stress positive aspects of Administration farm and water policies. Also, to help Floyd Haskell who doesn't feel like he's had much help lately and will face a tough re-election fight.

> **Electrostatic Copy Made** for Preservation Purposes

WHAL HILL

Cecil Andrus, Frank Moore and Ken Curtis strongly recommend such a stop. They participated in a DNC Western States strategy session last Saturday morning at the White House; they report that the Congressional representatives from the 9 states in attendance badly want a western states stop (not fulfilled by California). We do not have a set function at this time, but have discussed among ourselves a regional news conference or a substantive forum that Haskell, Lamm, and others (and other states) could sponsor.

Los Angeles -- the DNC fundraiser, and an immediate return, or RON, and fly back on Sunday.

The only commitment at this point is the Los Angeles dinner. You may want us to go back to the drawing board on other parts of the trip, but if you want to attend the Jefferson-Jackson Day Dinner in Iowa, it would help them and us to know what you think as soon as possible.

I have discussed this memorandum with Hamilton, Jody and Frank who concur with the above recommendations.

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DRAFT PRESIDENTIAL STATEMENT DEPARTMENT OF ENERGY ACTIVATION

I have just signed an executive order which will activate the Department of Energy on October 1.

Creation of this new Department fulfills a campaign pledge I made over a year ago. The Department of Energy will be in operation less than two months after I signed the enabling legislation, although that law allowed up to four months. That new Department is the first major result of our efforts to reorganize the Federal bureaucracy to serve the American people more efficiently.

As we move into another winter season, we need to be able to deal with possible energy shortages in a unified way. Activation of the Department will do this by letting us combine many different individuals and organizations into a single unit.

Yesterday I submitted to the Senate nominations for key positions in the Department of Energy, and I will soon be make submitting the remaining nominations.

Creation of the Department of Energy will give a clear direction and focus to America's energy future by providing the framework for carrying out a comprehensive, balanced

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE WASHINGTON

September 13, 1977

Mr. President --

This is the proposed statement for the activation of the Department of Energy ceremony at 2:00 p.m. today. If you will look over it, and make whatever changes you wish, we will retype it in speech type.



national energy policy. This will help the public and the private sectors as they work together to bring energy supply and demand back into balance -- both now and for the years ahead.

But simply creating a Department will not solve our energy problems. Those problems are still with us and will become much worse unless we act forthrightly to meet them.

This summer, gasoline demand rose to an all-time high, and oil imports during the first six months of the year reached record levels.

The rapid progress of national energy legislation reflects a determination on the part of the Congress and the Administration to end the years of delay in dealing with our energy problems.

There are difficult decisions yet to be made, and pressures from special interests will continue to be an obstacle; but I remain optimistic that a sound, workable energy policy for the U. S. will be a reality before the Congress goes home this year.

I wish Jim Schlesinger and all those who will be working with him the best of luck in the difficult job they

face. With the help and support of the American people, we can move together into a new era of energy security.

Secretary Schlesinger is here to brief you on the organizational structure of the new Department.

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PRESIDENTIAL STATEMENT DEPARTMENT OF ENERGY ACTIVATION

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I HAVE JUST SIGNED AN EXECUTIVE ORDER WHICH WILL

ACTIVATE THE DEPARTMENT OF ENERGY ON OCTOBER I.

CREATION OF THIS NEW DEPARTMENT FULFILLS A

CAMPAIGN PLEDGE I MADE OVER A YEAR AGO.

THE DEPARTMENT OF ENERGY WILL BE IN OPERATION LESS THAN

TWO MONTHS AFTER I SIGNED THE ENABLING LEGISLATION,

ALTHOUGH THAT LAW ALLOWED UP TO FOUR MONTHS.

THIS NEW DEPARTMENT IS THE FIRST MAJOR RESULT OF OUR

EFFORTS TO REORGANIZE THE FEDERAL BUREAUCRACY TO SERVE

THE AMERICAN PEOPLE MORE EFFICIENTLY.

AS WE MOVE INTO ANOTHER WINTER SEASON, WE NEED

TO BE ABLE TO DEAL WITH POSSIBLE ENERGY SHORTAGES IN

A UNIFIED WAY. ACTIVATION OF THE DEPARTMENT WILL

DO THIS BY LETTING US COMBINE MANY DIFFERENT

INDIVIDUALS AND ORGANIZATIONS INTO A SINGLE UNIT.

YESTERDAY I SUBMITTED TO THE SENATE NOMINATIONS

FOR KEY POSITIONS IN THE DEPARTMENT OF ENERGY, AND

I WILL SOON BE SUBMITTING THE REMAINING NOMINATIONS.

THE CREATION OF A DEPARTMENT OF ENERGY IS AN

IMPORTANT STEP TOWARD DEALING WITH OUR ENERGY PROBLEMS.

FUTURE BY PROVIDING THE FRAME-WORK FOR CARRYING OUT

A COMPREHENSIVE, BALANCED NATIONAL ENERGY PLAN•

THIS WILL HELP THE PUBLIC AND PRIVATE SECTORS AS THEY

WORK TOGETHER TO BRING ENERGY SUPPLY AND DEMAND BACK

INTO BALANCE -- BOTH NOW AND FOR THE YEARS AHEAD•

BUT SIMPLY CREATING A DEPARTMENT WILL NOT SOLVE

OUR ENERGY PROBLEMS. WE WILL NEVER DO THAT WITHOUT

A CLEAR WILL, IN GOVERNMENT AND AMONG OUR PEOPLE,

TO END WASTE, USE ENERGY MORE EFFICIENTLY, AND LOOK FOR

PRACTICAL NEW SOURCES.

IT IS CRUCIAL THAT ALL OF US UNDERSTAND THE MAGNITUDE OF THE PROBLEM WE FACE.

THIS SUMMER, GASOLINE DEMAND ROSE TO AN ALL-TIME HIGH.

WE IMPORTED MORE OIL DURING THE FIRST SIX MONTHS OF THIS

YEAR THAN EVER BEFORE IN OUR HISTORY. THESE PROBLEMS

WILL GROW WORSE EVERY DAY UNTIL WE ACT TO SOLVE THEM.

WHETHER WE SUCCEED OR FAIL WILL LARGELY DEPEND ON THE

CHOICES WE MAKE AS INDIVIDUALS, AND ON OUR ABILITY TO

ADAPT AND SHARE FOR OUR COMMON, LONG-TERM GOOD.

WE ALSO NEED NEW LEGISLATION, WHICH, ALONG WITH
THE DEPARTMENT OF ENERGY, WILL BE THE BACKBONE OF OUR
COMPREHENSIVE ENERGY PLAN•

THE RAPID PROGRESS TO DATE OF NATIONAL ENERGY LEGISLATION THROUGH THE CONGRESS REFLECTS THE DETERMINATION, ON THE PART OF BOTH THE CONGRESS AND THE ADMINISTRATION, TO END THE YEARS OF DELAY IN DEALING WITH OUR ENERGY PROBLEMS. I THE SENATE THE SENATE COMPLETE ITS ACTION, AS SOON AS POSSIBLE, ON THE BALANCED PACKAGE OF INCENTIVES AND TAXES IN THE NATIONAL ENERGY BILL. COOPERATION BETWEEN THE ADMINISTRATION AND THE CONGRESSIONAL LEADERSHIP HAS BEEN ESSENTIAL TO THE PROGRESS OF THE BILL SO FAR: I LOOK FORWARD TO CONTINUED COOPERATION ON THIS AND OTHER VITAL PROJECTS.

THERE ARE DIFFICULT DECISIONS YET TO BE MADE,

AND PRESSURES FROM SPECIAL INTERESTS WILL CONTINUE TO BE AN OBSTACLE; BUT I REMAIN OPTIMISTIC THAT A SOUND,

WORKABLE ENERGY POLICY FOR THE U.S. WILL BE A REALITY BEFORE

THE CONGRESS GOES HOME THIS YEAR.

WORKING WITH HIM THE BEST OF LUCK IN THE DIFFICULT JOB

THEY FACE. WITH THE HELP AND SUPPORT OF THE AMERICAN

PEOPLE, WE CAN MOVE TOGETHER INTO A NEW ERA OF ENERGY

SECURITY.

SECRETARY SCHLESINGER IS HERE TO BRIEF YOU ON THE ORGANIZATIONAL STRUCTURE OF THE NEW DEPARTMENT.

END OF TEXT

THE WHITE HOUSE Electrostatic Copy Made WASHINGT OF Preservation Purposes

DEPARTMENT OF ENERGY ACTIVATION CEREMONY
Tuesday, September 13, 1977
2:00 p.m. (15 minutes)
Room 450, OEOB

From: Jim Schlesinger

I. PURPOSE

To make a brief statement on the new Department of Energy and introduce me for further detailed remarks regarding the organization of the Department and nominations.

II. BACKGROUND, PARTICIPANTS AND PRESS PLAN

- A. Background: The legislation creating the Department gives you up to four months to activate the Department (which period would expire on December 4). At this ceremony, you will note that you have activated the Department as of October 1 by signing an Executive Order. In addition, I will present the Department seal to you, and will discuss the Department's internal structure and names of nominees for many of the key Departmental positions. Other Departmental nominations will be submitted to the Congress shortly, as soon as necessary clearances are obtained.
- B. Participants: You are scheduled to speak briefly; I will then discuss nominees and structure. Present will be Jack O'Leary (your nominee for Deputy Secretary) and Charles Curtis (your nominee for Chairman of the Federal Energy Regulatory Commission, the independent regulatory commission with the Department). (Also present will be Thomas C. Reed, Chairman of the Department of Energy Activation Task Force, who will respond to technical questions.)
- C. Press Plan: Full coverage.

III. TALKING POINTS

A proposed introductory statement is attached.

THE WHITE HOUSE WASHINGTON

September 13, 1977

Hugh Carter

The attached was returned in the President's outbox. It is forwarded to you for your information.

Rick Hutcheson

RE: MAIL BACKLOG

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

September 13, 1977

gh J

MEMORANDUM FOR THE PRESIDENT

FROM:

HUGH CARTER

SUBJECT:

Mail Backlog (Per Your Request)

Mail backlog rose to 10,400 at the end of last week due to the following reasons:

- 1. Loss of one working day due to Labor Day
- 2. Nine persons on vacation all week from Mail Analysis and Correspondence Sections (out of 64 total)
- Five additional secretaries from Correspondence on detail to staff offices to cover for secretaries on vacation.

Our goal is to maintain backlog at or below two days' receipts.

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THE PRESTRUIT HAS SEEN.

THE WHITE HOUSE

Week Ending 9/9/77

Day is

my backlog

going up

again?

MEMORANDUM FOR THE PRESIDENT

FROM:

HUGH CARTER

SUBJECT:

Weekly Mail Report (Per Your Request)

Below are statistics on Presidential and First Family:

INCOMING	WEEK ENDING 9/2	WEEK ENDING 9/9
Presidential First Lady Amy Other First Family	31,315 1,240 380 65	32,980 1,160 250 50
TOTAL	33,000	34,440
BACKLOG		
Presidential First Lady Amy Other	8,230	10,330 0 0
TOTAL	8,300	10,400
DISTRIBUTION	OF PRESIDENTIAL MAIL	ANALYZED
Agency Referrals WH Correspondence Direct File White House Staff Other	47% 24% 17% 9% 3%	44% 29% 17% 8% 2%
TOTAL	100%	100%
NOT INCLUDED ABOVE		
Form Letters and Post Cards	26,570	15,426
Mail Addressed to WII Staff	17,097	15,155
cc: Senior Staff		

THE WHITE HOUSE

WASHINGTON Supper = Russell & Carolyn Long a) Resate of welllead tax b) Loan quarantee. in dependent for new exploration only c) 0.1/gas -> coef use taxes d) Deregulation of not gas e) Shele oil production : price? f) Balance energy budget 1) Non uffation i) Gas gussler. melium Violators 1) Cost containment - hospitals saves & 41/2 Bil gort - same prile K) Segarate HR 7200 fm Suc Sec l) Soc Sec- Sen Helson m) Welfare reform

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Soe See replacement rate @ 43% or the So inc in employee - more present schedule forward to 1980's Trust fund reserves > 2000 e.d. Guarantee against bankrupter

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THE WHITE HOUSE WASHINGTON

September 13, 1977

Stu Eizenstat

The attached was returned in the President's outbox. It is forwarded to you for your information.

Rick Hutcheson

RE: STATEMENT OF POSTAL ORGANIZA-TIONS

THE WHITE HOUSE WASHINGTON

		FOR STAFFING FOR INFORMATION FROM PRESIDENT'S OUTBOX LOG IN/TO PRESIDENT TODAY
N		IMMEDIATE TURNAROUND
ACTI	ne	mo only
	MONDALE	ENROLLED BILL
	COSTANZA	AGENCY REPORT
X	EIZENSTAT	CAB DECISION
	JORDAN	EXECUTIVE ORDER
	LIPSHUTZ	Comments due to
	MOORE	Carp/Huron withi
	POWELL	48 hours; due to
	WATSON	Staff Secretary
	LANCE	next day
	SCHULTZE	
11	ARAGON	KRAFT
	BOURNE	LINDER
	BRZEZINSKI	MITCHELL
	BUTLER	MOE
	CARP	PETERSON
	H. CARTER	PETTIGREW
	CLOUGH	POSTON
	FALLOWS	PRESS
	FIRST LADY	SCHLESINGER
	HARDEN	SCHNEIDERS
	HUTCHESON	STRAUSS
	JAGODA	VOORDE
	KING	WARREN

THE PRESIDENT HAS SEED.

Stu

Statement of Postal Organizations To President Carter White House

> Tuesday September 13, 1977

The postal organizations represented at this meeting want to express their deep appreciation for the opportunity of seeing the President about the problems of the U. S. Postal Service.

Although the postal service has been removed from Presidential and Congressional responsibility and control by the Postal Reorganization Act, you have expressed, in a statement last October, concern and intention to deal with problems of the postal service.
We commend you for this early commitment and one of our primary aims today is to persuade you as President to initiate reforms in this important governmental organization.

We believe that the President has the responsibility to intervene on behalf of the American postal patron - the 77 million house-holds which receive postal service - and to sustain or improve this service and insure its financial integrity.

It behooves you Mr. President to consider this request for intervention as the situation deteriorates to less manageable crisis proportions each year. The Postal Reorganization Act of 1970 remains intact with only the slight cosmetic changes of 1976.

Statement of Postal Organizations to President Carter September 13, 1977 Page Two

The break even concept in that Act remains and is responsible for the deteriorating situation and management crisis.

Presidential decisions must be forthcoming now as reform of the postal service in 1970 and 1976 fell short of the mark. Within the next decade, if action is not forthcoming, the postal service would be left with economic and social options which would be limited to the delivery of nonprofitable mail to remote areas, agricultural products and large hard to handle packages.

In 15 years the postal service, without an assigned roll in the telecommunications revolution takeover, would become obsolete.

Also, Mr. President, if something is not done, your administration would be saddled with a potential loss of two hundred thousand jobs while you are already hard put to do something about unemployment of 7.1% - a matter which should cause you grave concern.

High and consistent standards of postal service, postal finances, postal organization and management, Presidential and Congressional direction are matters we wish to speak on today.

You are aware Mr. President that these matters and the proposed changes to the Postal Reorganization Act are encompassed in H.R. 7700. This legislation is endorsed by the organizations here today.

Statement of Postal Organizations to President Carter September 13, 1977 Page Three

Fundamental to any effective effort to put the nation's postal service on a proper course is the need to abandon the mythology which contains the notion that the postal service is a business and not a public service and that it should be run according to the forms and methods of private enterprise. The Postal Reorganization Act of 1970 embodies this myth albeit rather ambiguously. The ambiguity rises from the fact the Act seems to say the costs of postal service will be paid by its senders, but then adds that certain "public service" costs for purposes not clearly specified will be paid for by appropriation. We believe the postal service must extend to every citizen, regardless of whether he or she lives in a tiny village or a large city. We believe the "business" of the postal service must remain the function of a governmental agency responsive to all of the American people. We believe this makes the postal service, effectively, a public service in its entirety.

Why should the postal service, that is needed and wanted by our citizens, pay for itself almost solely out of income derived from the sale of that service? What, exactly, does the term "pay for itself" mean anyway? A whole range of private industries receive direct government subsidies, live off government contracts, get tax writeoffs and tax shelters, and sometimes pay less back in taxes than some wage earners. We believe the term "self-supporting" is indeed illusive.

Statement of Postal Organizations to President Carter September 13, 1977 Page Four

Postal economy and efficiency, after all, is only increased by increasing the amount of output (service) by a given amount of input (cost). Since 1970 the opposite has been achieved in the postal service by the creation of policies that have given us less service at greater cost. We, quite ernestly, Mr. President, do not believe that this administration is going to abandon the mail service because it doesn't breakeven.

We believe that efficiency in the postal service can be achieved. We would like to point out to you that the postal service is and has been highly efficient when you take into account all it has, given in the form of service to the American people since its creation. Since 1970 it has been asked, in addition to service, to make money. And for this, Mr. President, the postal service has paid dearly and performed miserably during this period of time. We believe the problems of efficiency and productivity and service levels must be approached with a broad and honest view to what, effectively, is wanted from the postal service as a public service. This cannot be achieved miraculously overnight by conversion of the organization into a business establishment.

Mr. President, your supporting the restoration of postal service beyond simply creating jobs would give the public tangible benefits that have been eroded over the years by unilateral cutbacks in postal service. Statement of Postal Organizations to President Carter September 13, 1977 Page Five

We are concerned with the accelerating reassignment and relocation of thousands of postal workers and the resulting delays in mail services to the American citizen. Also, the present management neglects the experience and expertise available among postmasters and supervisors, and they are not consulted meaningfully.

Realistic and adequate funding by postal rates and public service appropriations should be looked at anew to help optimize rather than minimize mail volumes and usage of postal services with the objective of increasing net postal revenues. Postal finance needs to be planned in coordination and in relationship with the entire government and your administration's fiscal programs.

Furthermore Mr. President, sober thought needs to be given to the problems of the postal service that are due to its structure and the people who populate the structure at the top. It may or may not have been necessary to have nearly removed the postal service from the federal government and from coming under the direction of the President and the Congress. We believe such a drastic change was overkill. We believe it's now possible to make the postal service organizationally more responsive to the President and the

Statement of Postal Organizations to President Carter September 13, 1977 Page Six

Congress without restoring the spoils system. We believe a first order of business is to bring about needed improvements in postal management.

Mr. President, you have expressed concerns and intentions as President to deal with problems of unemployment, government integrity, government organization, government efficiency and human rights. The U.S. Postal Service offers the President opportunities to address each of these areas.

The purpose of our meeting is to highlight our recommendations to improve the postal service and to better use the resources of this organization in the public interest. Mr. President, we suggest these approaches in the hope they are within the framework and spirit of what are perceived to be your administration's plans and intentions.

They are:

1. Board of Governors.

This body has simply acted as a rubber stamp for the Postmaster General and top postal management. Its history has proven that the Board has had no positive effect on managing postal affairs. Statement of Postal Organizations to President Carter September 13, 1977 Page Seven

2. Postal Rate Commission.

Ironically, Congress established this Commission to regulate certain functions of the Postal Service so that red tape and congressional rate setting would be eliminated. Instead, there has been a marked increase in red tape and bureaucracy.

- 3. Presidential Appointment of the Postmaster General.

 This vital position should be filled by a Presidential appointee to assure greater accountability to service concepts.
- 4. Private Express Statutes.

 These statutes should remain unchanged and expanded to cover telecommunications.
- 5. Role for the USPS in the Burgeoning Telecommunications Revolution.

The decision must be made to assure USPS of a prominent role in the telecommunications field.

6. USPS Public Service as Contrasted with a Market Economy Service.

Public Service in the postal system must be clearly spelled out as duties rather than favors from a business-oriented agency. These functions are those that would not be provided in a so-called "market economy".

Statement of Postal Organizations to President Carter September 13, 1977 Page Eight

- 7. Long-Range Public Service Planning.

 Decide what public service is and define it specifically.
- 8. Retention of existing services including six-day delivery and restoration of previously curtailed or eliminated service.

Respectfully,

Joe Vacea -
J Joseph Vacca, President
National Association of Letter Carriers
AFL-CIO
2
Minne Christines
Emmett Andrews, President

American Postal Workers Union, AFL-CIO

James L. LaPenta, Director Federal-Public Service Division Laborers' International Union of

North America, AFL-CIO

Cliffords E. Edwards, President

National Rural Letter Carriers Association

Donald Labetter

Donald Ledbetter, President National Association of Postal Supervisors

John Goodman, President

National Association of Postmasters

Eugene B. Dalton, President National League of Postmasters THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

September 12, 1977

MEETING WITH SENATOR FRITZ HOLLINGS (D-SOUTH CAROLINA)

Tuesday, September 13, 1977 3:00 p.m. (15 Minutes) The Oval Office

From: Frank Moore F. M.

I. BACKGROUND

Senator Hollings recently headed a fact-finding Congressional delegation to Columbia, Brazil, Argentina, Peru and Panama. He has requested this meeting in order to brief you on his trip and to discuss with you the handling of the Treaty. The Senator had earlier indicated his support for the Treaty but now indicates that he has serious reservations.

II. PARTICIPANTS

The President Senator Hollings Frank Moore

III. PRESS PLAN

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THE WHITE HOUSE

WASHINGTON

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Waldie - Post Office rep 95% work force HR 7700 Ledbetter- Supervisors Unresponsive to people Belof Govis- usefess (vailor dominates) Dalton Appt Plen by tres Goodman - Postmasters Budget cuts - delayed ming Close small offices. Repeal express statute

Lafinte - Fed employees Public appropuehon 24/270 (51) -> <12% 12590 Po > mail box Andrews - Postal worker Lowest rates in world 1000's in excess-termine Edward rural Carrier 1/2 population Out to 5 days will heart Vacca. le Mer carriers morale por Johnson - mail landfer

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for Preservation Purposes THE PRESIDENT HAS SETTI

THE WHITE HOUSE

WASHINGTON

September 12, 1977

MEETING WITH NATIONAL PRESIDENTS OF POSTAL AND MANAGEMENT GROUPS

> Tuesday, September 13, 1977 2:30 pm (20 minutes) The Roosevelt Room

From: Stu Eizenstat Stu Bob Malson

I. PURPOSE

The national presidents of the four postal labor unions, the two postmasters organizations and the postal supervisors organization have asked for the opportunity to meet with you prior to your deciding the Administration's postal policy. Representatives from OMB will testify on H.R. 7700, the postal reform bill, on Thursday, September 15. The group has sent a copy of their prepared statement that they will present to you at the close of the meeting. The statement indicates that they favor (1) presidential appointment of the Postmaster General; (2) retention of six-day delivery; (3) elimination of the red tape associated with the Postal Rate Commission's rate setting process; and (4) either the elimination or strengthening of the Board of Governors which they view as a rubber stamp for the Postmaster General.

BACKGROUND, PARTICIPANTS & PRESS PLAN

- Α. Background: The group has selected Jerome Waldie, the number two official of the letter carriers union, to give a two minute opening statement. He will, in turn, introduce each of the seven presidents who will speak for two minutes on areas of concern to their respective union or organization.
- В. Participants: David Rubenstein and Bob Malson
- C. Press Plan: Pool Coverage

III. TALKING POINTS

This is the first time a President has met with all of Α.

the Postal Service's employee groups.

- B. You will be deciding the Administration's postal policy today and tomorrow and you want to be clear about their views on the service aspects of the mail system. You are particularly concerned about their views of the Postal Service's efforts to cut costs.
- C. The postal employees covered by collective bargaining will begin to negotiate for a new agreement in a few months. They will probably not bring up the subject but in the background of any discussion of presidential appointment of the postmaster general is their knowledge that they will be negotiating with your Administration if you favor legislation giving you the authority to appoint your choice to head the Postal Service.
- D. Many of these postal leaders supported your candidacy quite early and are quite proud of their vision.

THE WHITE HOUSE

WASHINGTON

September 12, 1977

MEETING WITH NATIONAL PRESIDENTS OF POSTAL AND MANAGEMENT GROUPS

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A. This is the first time a President has met with all of

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- B. You will be deciding the Administration's postal policy today and tomorrow and you want to be clear about their views on the service aspects of the mail system. You are particularly concerned about their views of the Postal Service's efforts to cut costs.
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- D. Many of these postal leaders supported your candidacy quite early and are quite proud of their vision.

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THE PRESIDENT SEEMS 3, 30 WASHINGTON SEPTEMBER 13, 1977 TUESDAY

MR. PRESIDENT:

SENATOR INOUYE CALLED WHILE YOU WERE AT LUNCH. THE SENATOR HAS TALKED TO DAN TATE AND TOLD HIM HE WISHES TO TALK TO YOU "ON A MATTER OF THE HIGHEST SENSITIVITY--INVOLVING THE PANAMA CANAL TREATY AND ACTION TO BE TAKEN WITHIN 24 HOURS". SENATOR INOUYE WOULD PREFER A 15-MINUTE MEETING THIS AFTERNOON.

3:30 today and 9:00 A.M. tomorrow

THE PRESIDENT HAS SETT

THE WHITE HOUSE

WASHINGTON

September 13, 1977

9

MEMORANDUM FOR THE PRESIDENT

FROM: FRANK MOORE J. M.

Your meeting this afternoon with Senator Inouye is a result of a telephone conversation I had with the Senator at approximately 12:30 p.m. today.

Senator Inouye advised me that he had a "highly sensitive" matter concerning the Panama Treaty to discuss with you. He indicated that this matter would require action within 24 hours, and that it was imperative that he discuss this directly with you.

In view of the fact that Senator Inouye is not an alarmist, I felt it was important that you meet with him as soon as possible.

Electrostatic Copy Made for Preservation Purposes

September 13, 1977

The Vice President

The attached was returned in the President's outbox. It is forwarded to you for appropriate handling.

Rick Hutcheson

cc: Hamilton Jordan Frank Moore Tim Kraft

UPDATE ON 1978 SENATE RACES

ADMINISTRATIVELY CONFIDENTIAL





THE VICE PRESIDENT WASHINGTON

1. IP

September 13, 1977

MEMORANDUM FOR THE PRESIDENT

FROM:

THE VICE PRESIDENT

SUBJECT: UPDATE ON 1978 SENATE RACES

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- 1. New Hampshire. Governor Meldrim Thompson, having announced some weeks back that he would not run against Tom McIntyre, said recently that he is reassessing his position and that it could well be determined by McIntyre's vote on the Panama Canal Treaty. Thompson would be the strongest candidate the Republicans could run, but McIntyre's people are still confident they could beat him and some are even relishing the prospect of such a race.
- 2. <u>Iowa</u>. Governor Robert Ray announced this week that he will not run for the Senate against Dick Clark, although he declined to say whether he'll run for re-election. Clark should now be considered a heavy favorite to be re-elected.
- 3. Wyoming. I met with Representative Teno Roncalio to urge him to run for the Senate seat Cliff Hansen is vacating, but it is very unlikely that he will. Teno is simply weary of Washington and anxious to return home, as his family has already done. He will probably announce his retirement soon, and I got the firm impression there is virtually nothing we could do or say to change his mind because there are only personal factors involved. There is no other logical candidate yet on the horizon and the prospects for capturing this seat now have to be set at considerably less than 50-50.
- 4. West Virginia. I also met with Jennings Randolph several weeks ago and, while he had not yet decided whether to run, I got the impression that he was inclined to do so. Again, there are strong personal factors involved and he was going to try to weigh them over the August recess. He was

Set up meeting very flattered that you were anxious to see him remain in the Senate and I am fairly confident that he can be persuaded to run again. He acknowledged that if he retires we may have great difficulty holding the seat against former Governor Arch Moore. I strongly suggest that you ask Jennings down for a chat soon and urge him to run. He has great respect for you and will undoubtedly be influenced by the importance you attach to his work in the Senate.

- 5. Massachusetts. There are continuing indications that Ed Brooke may be more vulnerable than previously thought. There are several possible strong candidates, including Attorney General Francis Bellotti and Lt. Governor Tommy O'Neill, and the latter seems to be showing increasing interest in making the race. I will try to feel out Tip privately on this at the earliest opportunity.
- 6. Minnesota. Wendy Anderson has had some bad polls recently showing fairly strong public resentment over his self-appointment to the Senate. He is working hard to turn things around and appears to be making some progress. Nonetheless, Representative Don Fraser has announced that he is seriously considering challenging Wendy for the party's endorsement and will spend the rest of the year trying to drum up support and evaluating his prospects. People close to Don think he is virtually certain to run and, if so, it would create a very divisive situation that could make it more difficult to hold the seat.

Copies to: Hamilton Jordan Frank Moore

September 13, 1977

Jim McIntyre

The attached was returned in the President's outbox. It is forwarded to you for appropriate handling.

Rick Hutcheson

cc: Peter Bourne

RE: OFFICE OF DRUG ABUSE POLICY

(ODAP)

	FOR STAFFING
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SCHNEIDERS
STRAUSS
VOORDE
WARREN

9/8/77

Mr. President:

Eizenstat, Moore, and Lipshutz concur with McIntyre.

Jack Watson has no comment.

Peter Bourne's comments are attached.

Rick

SEP 2 1977

MEMORANDUM FOR THE PRESIDENT

FROM:

Bert Lance 9. Militye. for

SUBJECT:

Office of Drug Abuse Policy (ODAP)

Earlier this month you requested further explanation of: (1) the arrangements that have been made for carrying out ODAP functions when the Office is terminated as contemplated in the EOP reorganization; and (2) the current status of the Plan in Congress.

Arrangements for ODAP Functions

ODAP was created to assist the President in developing drug abuse policy and coordinating the work of the many agencies involved in combatting drug abuse. In addition, you have given ODAP substantial responsibilities for reorganizing Federal drug abuse efforts. The EOP plan provides for each of these functions to continue when ODAP is terminated.

The policy development and program coordination responsibilities will be handled by the Presidential Adviser on Drug Abuse, the Domestic Policy Staff, and the Strategy Council on Drug Abuse. (The Strategy Council is an interagency coordinating group that has rarely met.) Drug abuse issues will be handled within the Policy Management System much as other priority domestic issues are to be handled. The coordinating group will meet regularly, staffed by the Domestic Policy staff, to develop solutions for specific problems and broad policy. By retaining a highly visible White House drug adviser, you will demonstrate your continuing commitment to solving the drug abuse problem. As you recall, you have also asked Dr. Bourne to develop and maintain an Administration policy for solving drug abuse problems.

Electrostatic Copy Made for Preservation Purposes

We expect the ODAP staff to finish its pending reorganization projects in January 1978, and have planned to leave the office in place until these projects are complete. Future drug abuse related reorganization efforts will be handled by the OMB President's Reorganization Project.

By placing drug abuse policy development, coordination, and reorganization activities within the normal EOP channels for handling such work, we believe that drug abuse issues can be handled equally efficiently and can be better integrated with related concerns. By retaining a White House adviser, you can assure overall guidance and sufficient priority to these issues.

One of the reasons ODAP was formed was to create a point of accountability to the Congress for drug abuse issues. For this reason, we have told the Congress that Dr. Bourne will continue to testify when he is requested to do so.

Some individuals, both in the Congress and the public, believe that your decision to terminate ODAP reflects a lack of commitment to drug abuse problems. Your August 2, 1977, message to Congress on drug abuse and the special White House arrangement for a drug abuse adviser clearly refute this contention.

Congressional Perspective

Although the congressional opposition to eliminating ODAP is vocal, it is limited and we do not believe that Reorganization Plan No. 1 will be vetoed. The key defenders of ODAP are Senators Hathaway, Percy, and Javits and Congressmen Lester Wolff (D-N.Y.), Ben Gilman (R-N.Y.), Peter Rodino (D-N.J.), Paul Rogers (D-Fla.), and Charles Rangel (D-N.Y.). About 90 members of the House have cosigned a letter to the Speaker urging him to prevail on you to continue ODAP. An informal sampling of the signatories to the letter indicates that most would not oppose the EOP Plan on the basis of ODAP alone.

Senator Ribicoff and Congressman Wolff have suggested several possible compromise points:

1. Continue ODAP until September 1978 when it is scheduled to expire.

- Define specifically how many and what type of drug policy slots will be available on the Domestic Policy Staff.
- 3. Add personal staff to Dr. Bourne to allow him to oversee more effectively the drug coordinating functions.

Our Position

- 1. We do not recommend allowing ODAP to continue beyond January 1978. It can complete its major business by that time and we fear that you will face another controversial decision on it next September if you allow it to continue until that time.
- 2. We have sent the concerned Congressmen information on the proposed staffing levels: Dr. Bourne plus two in the White House Office and four positions on the Domestic Policy Staff. These numbers could be increased if compromise is necessary.
- 3. We do not recommend that you take any further action at this time.

THE WHITE HOUSE

WASHINGTON

September 8, 1977

MEMORANDUM TO THE PRESIDENT

FROM:

PETER BOURNE P.B.

SUBJECT: OFFICE OF THE DRUG ABUSE POLICY

I have the following specific comments on the ODAP memo from Bert Lance signed by Jim McIntyre:

Page 1, paragraph 1 - The Strategy Council is not "an interagency coordinating group that has rarely met". It is a Cabinet Committee mandated by law to develop U.S. Strategy in the narcotics area, it has never met. The "coordinating group" (Strategy Council) will not "meet regularly", but probably only annually to determine the federal strategy as required by law. I doubt members of the Cabinet would be willing to meet more frequently.

Page 2, paragraph 2 - While placing drug abuse policy development and coordination within "normal EOP channels" is a reasonable management approach, it is exactly the approach which the Nixon and Ford Administrations used, and the approach to which the Congress reacted negatively in establishing ODAP. The two years of Congressional argument over this issue have not been addressed.

The last sentence on the first page is I believe an inadvertent error. It now reads "As you recall, you have also asked Dr. Bourne to develop and maintain an Administration Policy for solving drug abuse problems". I think the intention was to say "policy for international health and world hunger". Regardless of the merits of the Reorganization Team's original plan, the ODAP provision has created a difficult political problem in the Congress, which the team, I feel, never fully appreciated.

The Congress legislatively mandated ODAP with specific responsibilities and functions, and an authorization which would terminate at the end of September 1978. After going through a major battle over ODAP with President Ford, they were delighted at your activating the Office in March. Congressional concern involves both the drug issue in general, and resentment over having the intent of their legislation overturned so quickly after achieving success. They perceive it to be completely unrealistic for ODAP's

MEMORANDUM TO THE PRESIDENT

FROM: PETER BOURNE

SUBJECT: OFFICE OF THE DRUG ABUSE POLICY

legislated functions, which they envisioned requiring a staff of twenty, would now be carried out with the same effectiveness by two or three people. I believe a serious tactical error was made in suggesting that there would be an attempt to continue those specific functions contained in the legislation.

Some segments of the Congress view the demise of ODAP as a breach of faith and a deemphasis of the Administration's commitment towards combating the nation's drug abuse problem. Moreover, the issue with the Congress has moved from substantive arguments toward largely political ones. Unfortunately, this negative reaction was not fully anticipated, and I feel the effort to defuse it once it developed has been jeopardized by continuing to try to deal with the substantive issues rather than the political problem. The level of political opposition to the demise of ODAP is substantial; however, I believe it is not sufficient to cause the overturn of Reorganization Plan #1.

The question that only you can resolve is whether it is worth continuing to anger a relatively small group of Congressman over an issue that is very important to them, but inconsequential to you in the big picture. If you ignore the 90 members who wrote to the speaker it will generate considerable adverse publicity, and because the reorganization plan relating to ODAP in its present form has serious flaws you will be vulnerable to considerable legitimate criticism, which is going to spill over into other areas. In addition, it is also very likely that the Congress would reestablish another version of ODAP by attaching a rider on an important supplemental or appropriation bill during 1978. Then we will have gone through the whole cycle unnecessarily.

The major weaknesses in the present plan are:

- (a) Because we are seeking to phase out the office before the end of its authorization (September, 1978), we have inappropriately claimed we were going to continue to carry out the legislatively mandated functions with a fraction of the present staff. This was a mistake.
- (b) The majority of ODAP's functions are international. Placing responsibility within the domestic council makes little sense and has reinforced the belief on the Hill that the reorganization team failed to understand the issue.
- (c) A totally unrealistic expectation is being built by the present plan as to what I personally can do.

MEMORANDUM TO THE PRESIDENT

FROM: PETER BOURNE

SUBJECT: OFFICE OF THE DRUG ABUSE POLICY

The impression has been created that I almost alone will carry out the legislatively mandated functions originally intended for twenty or more people, in addition to having other non-drug related responsibilities. The Congress knows this is impossible.

I believe this problem can be resolved relatively simply by the following steps:

- 1. You need as soon as possible to meet with a small group of key members concerned with this issue.
- 2. You need to strongly consider a fall back position of not phasing out the Office until the end of September 1978. That is the point at which the authorization ends and we would no longer be burdened with the requirement to continue to carry out the currently mandated specific responsibilities. This could be done without changing Reorganization Plan #1.
- 3. You should reassure them of your continuing interest in and commitment to this area.

These steps I believe would immediately dissipate the resistance on the Hill. If you proceed and ignore the concern you will still get the plan passed, but at a price that seems rather pointless and unnecessary to pay.

PGB:ss

THE WHITE HOUSE

WASHINGTON

Date: September 6, 1977 **MEMORANDUM**

FOR ACTION:

Stu Eizenstat comm hig phone Bob Lipshutz Frank Moore on in Those

Jack Watson 4c

Peter Bourne attack

FOR INFORMATION:

The Vice President Hamilton Jordan Richard Pettigrew

FROM: Rick Hutcheson, Staff Secretary

SUBJECT:

Lance memo dated 9/2/77 re Office of Drug Abuse Policy

(ODAP)

YOUR RESPONSE MUST BE DELIVERED TO THE STAFF SECRETARY BY:

TIME:

11:00 AM

DAY:

Thursday

DATE:

September 8, 1977

ACTION REQUESTED:

X Your comments

Other:

STAFF RESPONSE:

I concur.

No comment.

Please note other comments below:

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

Date: September 6, 1977

MEMORANDUM

FOR ACTION: Stu Eizenstat Bob Lipshutz Frank Moore Jack Watson Peter Bourne

FOR INFORMATION: The Vice President Hamilton Jordan Richard Pettigrew

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Lance memo dated 9/2/77 re Office of Drug Abuse Policy (ODAP)

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> > 11:00 AM TIME:

DAY: Thursday .

September 8, 1977 DATE:

ACTION REQUESTED:

X Your comments

Other:

STAFF RESPONSE:

I concur.

Please note other comments below:

No comment.

41

FOR ACTION:

Stu Eizenstat
Bob Lipshutz
Frank Moore
Jack Watson
Peter Bourne

FOR INFORMATION: The Vice President Hamilton Jordan Richard Pettigrew

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Lance memo dated 9/2/77 re Office of Drug Abuse Policy (ODAP)

YOUR RESPONSE MUST BE DELIVERED TO THE STAFF SECRETARY BY:

TIME: 11:00 AM

DAY: Thursday

DATE: September 8, 1977

ACTION REQUESTED:

X Your comments

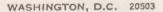
Other:

STAFF RESPONSE:

____ l concur.

Please note other comments below:

No comment.





SEP 2 1977

MEMORANDUM FOR THE PRESIDENT

FROM:

Bert Lance J. M. Inty. for

SUBJECT:

Office of Drug Abuse Policy (ODAP)

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- 3. We do not recommend that you take any further action at this time.

Sile for a sile of the sile of

9/12/77

TO:

RICK HUTCHESON

FROM:

DICK PETTIGREW

I would like to add the attached to the comments on Mr. Lance's memo to the President re the Office of Drug Abuse Policy (ODAP). I understand the memo has not reached the President yet.

Thanks.

THE WHITE HOUSE

WASHINGTON

September 12, 1977

MEMORANDUM FOR:

THE PRESIDENT

FROM:

RICHARD PETTIGREW Duk

SUBJECT:

Possible Amendment of EOP Plan re Office of Drug Abuse Policy

(ODAP)

The EOP Study recommendation concerning abolishing ODAP and your decision to accept it are absolutely correct. strongly endorse the recommendation of the Office of Management and Budget to stay with it. To change it would send a bad signal to the Congress and revive pressures for a host of EOP units for narrow subject areas. (This is very different from retaining CEQ which is involved in policy coordination over a very broad policy spectrum.)

From my discussion with Congressman Rogers, it is clear that the request to allow an extension of time for ODAP is designed to afford the Congress an opportunity to pass new legislation extending its life beyond the two years originally contemplated in the legislation creating it. In no event would I delay termination of ODAP beyond the scheduled January 1st date unless it were based on a clear agreement with the relevant Congressional leadership that no re-creation of this unit would be sponsored or supported by them.

THE PRESIDENT HAS SEEN.



Mr. President --

Mary Beasley does not have your records any more.

Ed Spivia's office was not able to locate their records.

We're checking it now with the Georgia archives, where your records are now. It will not be ready by the Thatcher meeting.

Jody remembers the trip to be in June or July of 1973.



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THE WHITE HOUSE
WASHINGTON
September 13, 1977

Richard Harden

The attached was returned in the President's outbox. It is forwarded to you for your information.

Rick Hutcheson
cc: STATUS REPORT - CAU

		FOR STAFFING
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	MONDALE	ENROLLED BILL
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	LANCE	next day
	SCHULTZE	
	ARAGON	KRAFT
	BOURNE	LINDER
	BRZEZINSKI	MITCHELL
	BUTLER	MOE
	CARP	PETERSON
	H. CARTER	PETTIGREW
	CLOUGH	POSTON
	FALLOWS	PRESS
	FIRST LADY	SCHLESINGER
/	HARDEN	SCHNEIDERS
	HUTCHESON	STRAUSS
	JAGODA	VOORDE
	KING	WARREN

Electrostatic Copy Made for Preservation Purposes

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

September 9, 1977

good

MEMORANDUM FOR:

FROM:

RICHARD HARDEN

SUBJECT:

Status Report - CAU

We continue to make good progress in the implementation of the new Central Administrative Unit. Some of the more significant developments may be summarized as follows:

1. Common Payroll Systems

Plans are moving along for the conversion by January 15, 1978, of all EOP agencies to a common payroll system operated by the Treasury Department. We are receiving excellent cooperation from both Treasury and GSA officials in making the conversion.

2. Library Services

Under the direction of the OMB Librarian, plans for a properly equipped and maintained branch library in the OEOB are being finalized.

3. Supply Operations

I am currently circulating for comment a proposal from GSA to assume responsibility for operation of the supply function in the EOP complex. We anticipate savings both in terms of personnel costs and supply costs, as well as improved accounting as to excessive use of supplies.

4. Orientation Program

The OMB Personnel Officer is currently working on a basic orientation program for all EOP employees.

5. Data Processing - Advisory Committee

To better evaluate the information processing needs of the EOP complex, Frank Press and I have established a data processing advisory committee. The committee held its first meeting August 24th - 25th. The meeting was open and was well attended by representatives from various agencies, as well as numerous Congressional staff members.

6. Data Processing - Applications

We are currently in the process of developing a comprehensive list of potential new data processing applications. Some of the more recently identified ones include:

- a. Presidential Time Analysis
- b. Presidential Scheduling
- c. Domestic Policy Paper Management
- d. Congressional Mail Management
- e. Public Liaison Support Lists

7. Internal Organization

We are working with OMB and the Civil Service Commission in developing the internal organization of the new unit. We anticipate a two-stage reduction from the 187 employees transferred in to the 149 permanent positions. The first reduction would relate to employees who have no potential for eventual employment in the new unit. These reductions would be made as the unit is created. The second reduction would probably come next spring and would involve those individuals who are no longer needed once the new systems are operational.

THE WHITE HOUSE
WASHINGTON
September 13, 1977

The Attorney General

The attached was returned in the President's outbox today and is forwarded to you for your information. The signed original has been given to the Chief Executive Clerk for appropriate handling.

Rick Hutcheson

cc: Bob Linder
Bob Lipshutz

LETTER TO HON. JONATHAN GOLDSTEIN

9-13-77

To Hon. Sonathan Goldskin I accept your resignation as U.S. Attorney, and certainly would not want to contradict your assessment of the good job you have done. So far as I know, The A Horney General has expressed no criticism of your performance. In recommending a replacement for you I am sure That a competent person will be Chocen so That The high Standards of law enforcement in Hew Jersey WIII be maintained. You have my Congratulations and Thanks for a job well done. Jimney Carter

PLEASE ADDRESS ALL MAIL TO UNITED STATES ATTORNEY NEWARE, N. J. 07102 AND REFER TO

JLG: fdf

United States Department of Justice

gec reply to Atty Gen also a It. C

UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW JERSEY NEWARK, NEW JERSEY 07102

September 12, 1977

Honorable Jimmy Carter President of the United States The White House Washington, D.C. 20500

Dear President Carter:

I have been advised by Associate Attorney General Michael J. Egan that you and Attorney General Griffin B. Bell desire my resignation from the Office of United States Attorney for the District of New Jersey.

In communicating the Administration's desire that I resign, Mr. Egan made it clear that the request was not prompted by any dissatisfaction with my performance. Indeed, it is clear that the Department of Justice is thoroughly satisfied with my performance. Attorney General Bell has publicly expressed his satisfaction and Associate Attorney General Egan has publicly stated that the United States Attorney's Office in New Jersey is first-rate and one of the very best in the United States. Moreover, Mr. Egan has also informed me that, but for Senator Harrison A. Williams' insistent and repeated demands that I be replaced, the Department of Justice was prepared, based on its assessment of my record and that of this Office, to recommend my retention as United States Attorney.

Thus, despite that assessment based on the record I have compiled during a twelve year professional career which commenced with my selection for the Department's Honors Program upon my graduation from law school and which continued in positions of increasing responsibility during two Democratic and two Republican administrations and despite my having completed all but nine months of my four year term as an independent, non-political United States Attorney, you and Attorney General Bell have determined that my record of accomplishment on behalf of the United States must give way to the dictates of politics.

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Clearly, by virtue of the United States Constitution and statutes enacted thereunder, the President of the United States is vested with the responsibility for the nomination and appointment of United States Attorneys, as well as the power to remove United States Attorneys be the reason political or otherwise. Because there can be no effective law enforcement on the national level unless United States Attorneys receive full support from the President and the Attorney General and because you have requested my resignation in order that you may nominate a successor, I hereby tender my resignation effective upon the confirmation and appointment of my successor.

In tendering my resignation at this time, I wish my reasons for doing so to be clearly understood.

During your election campaign and thereafter, repeated statements were made by you and by members of your Administration which led the public to believe that merit selection and not the widely criticized tradition of political patronage would be the standard utilized by your Administration in the selection of United States Attorneys. Based on my belief that a merit selection system is essential if we are to have effective law enforcement in this country and based further on my belief that my professional record with the Department of Justice warranted my retention on a merit basis, I determined not to resign unless it became clear that the commitment to merit selection was nothing more than campaign rhetoric.

Shortly before your inauguration, it appeared that your Administration was prepared to implement the merit selection process that had been promised in your campaign. Attorney General Bell formally reaffirmed your commitment and his to such a merit selection system in his testimony before the Senate Judiciary Committee, which was then considering whether to recommend his confirmation to the United States Senate. His testimony included the following:

Question: ...Would you mind telling us your plans with regard to those U.S. Attorneys currently serving who you find have been doing an outstanding

job and whose terms have not expired? Would you retain them until the expiration of their terms, or would you seek to remove them from office prior to the expiration of their terms regardless of the caliber of their service?

Answer: ...I happen to understand, with Governor Carter that, if I am to be the Attorney General, we want to professionalize the Department of Justice. We want to de-politicize it to the extent possible. Otherwise, I would not care to be the Attorney General; he would not care for me to be the Attorney General, either. His ideas and mine are the same on that.

If there is a United States Attorney who warrants retention on the merit system ... we would certainly give thought to retaining them. Otherwise, we would not be putting in a merit system.

Question: In other words, as I understand your position, if a U.S. Attorney has made a competent and meritorious record as U.S. Attorney, and if he desires to be retained, then you would give most careful consideration to him?

Answer: That is exactly right.

Attorney General Bell also stated to the Judiciary Committee that he had begun to implement his proposed program by requesting that the then Deputy Attorney General, Harold R. Tyler, Jr., inform all incumbent United States Attorneys that, if they wished to be considered for retention on a merit basis, they should so advise Attorney General Bell. Having been so informed that United States Attorneys would be considered for retention by your Administration on a merit basis, I wrote a letter on February 3, 1977 to Attorney General Bell, a copy of which is annexed hereto.

Thereafter, I was invited to come to Washington to discuss my retention with Attorney General Bell. Although

the Attorney General met with me briefly, I met for a lengthier period of time with Associate Attorney General Egan. In that meeting, Mr. Egan unequivocally advised me that the Administration regarded the United States Attorney's Office for the District of New Jersey as one of the best law enforcement components within the Department of Justice and that it was the Administration's desire to emulate its accomplishments on a nationwide basis.

Subsequent to my meetings in Washington, I was informed that the Department of Justice was seriously considering formally recommending to you that certain United States Attorneys, myself included, be retained, based on their respective records of accomplishments.

Thereafter, however, in early April, Senator Williams submitted a list of six proposed replacements to the Attorney General and, in his public statements, as well as in letters to his constituents, Senator Williams represented that the Attorney General had requested that such a list be submitted. The Justice Department advised me that this was not so, but rather that Senator Williams had demanded that I be replaced and that the Attorney General had agreed to review any recommendations passed along by the Senator.

Senator Williams, in demanding my replacement, did not do so on the basis of any disagreement by him with the assessment of my performance which had been made by the Department of Justice. Indeed, he has never publicly expressed any criticism whatever of my performance or that of this Office under my leadership and has, at all times, refused to acknowledge publicly his role in procuring my removal from this Office. As the annexed constituent letters indicate, he has sought to minimize his involvement in the decisional process and to create the illusion that I have been asked to resign because the Department of Justice has concluded that the interests of effective law enforcement would best be served by replacing a "political" United States Attorney, namely myself, by one who would conduct this Office in the non-political tradition of the late District Attorney of New York County, Frank Hogan.

Shortly after Senator Williams submitted his proposed names, I was advised by Associate Attorney General Egan that, although the Attorney General was satisfied with my accomplishments as United States Attorney, it was likely that the position of United States Attorney for the District of New Jersey would be determined not on merit but by Senatorial prerogative because the Attorney General had received a confidential White House memorandum directing each cabinet officer to honor patronage requests from Democratic Senators and Representatives.

Although, as a result of that confidential memorandum, it was clear within the Department of Justice that the merit selection concept you had promised would, in all likelihood, not be implemented at that time or in the immediate future, Attorney General Bell continued to reaffirm publicly the commitment of your Administration to the concept that it was vital to effective law enforcement that United States Attorneys be selected on a merit basis. In addressing the prestigious American Law Institute, Attorney General Bell stated:

The critical problem with the political patronage system as it now operates is that many qualified candidates are discouraged from applying or are overlooked because they are not friends or close political supporters of the various Senators ...

The problem is acute in the United States Attorney selection process. The law places the nomination responsibility and power with the President. The power to advise and consent rests with the Senate. In practice, however, the Senate proposes and the President advises and consents ...

I think the time has come to return, in the nomination and confirmation of United States Attorneys, to the express constitutional and statutory framework. I do not see how we can be serious about fighting crime unless we select the best available lawyers as United States Attorneys ...

And then, a week later, in addressing the District of Columbia Circuit Judicial Conference, Attorney General Bell further stated:

We must likewise move to improve the selection of United States Attorneys . . . If we are really serious about fighting crime nationally, we need to be more serious about selecting United States Attorneys.

Although the likelihood of my replacement became apparent in late Spring, despite Attorney General Bell's continuing public statements in support of merit selection, I did not choose to resign at that time because my resignation would have withdrawn vital support from those who were fighting for the concept of merit selection. The record of accomplishment of this Office under my leadership was such that career professionals within the Department of Justice and other knowledgeable observers believed that my retention or replacement would constitute the test case as to whether United States Attorneys would be selected and retained on a merit basis.

Had I resigned without being asked to do so, my resignation would not only have signified a lack of desire on my part to fight for a concept in which I firmly believe, but also would have permitted both the Administration and Senator Williams to avoid the necessity of explaining why I had not been retained, given the Administration's public commitment to merit selection. By remaining in office until asked to resign, I have done all that I can to insure that the concept of merit selection which you espoused in your campaign and in which I firmly believe will be adopted if not now then at some future time.

At all times, beginning with my February 3 letter to Attorney General Bell, I have made it clear that, although I wished to be retained, my primary interest was one of insuring that my Office remain non-partisan, non-political and professional. Repeatedly I reaffirmed to the Department of Justice that overriding concern. When it became obvious that Senator Williams was unalterably opposed to my remaining in Office, I offered to remove myself from consideration if that would assist the Department of Justice in implementing a bona fide merit selection process.

Your decision to ask for my resignation, I must regretfully conclude, can only be interpreted as demonstrating that your Administration is either unable or unwilling to fulfill its public commitment to merit selection. The irony of your decision is that while I have been asked to resign for purely political reasons, the professionals in the Justice Department have been encouraging your newly appointed United States Attorneys to contact me and my staff for direction on how to organize and operate an effective United States Attorney's Office.

In leaving the Department of Justice to which I have devoted my entire professional career, I look back on what have been some of the most satisfying and fulfilling experiences in my life. I leave the Department proud of my accomplishments and proud of the professional men and women with whom I have had the opportunity to serve.

In my judgment, there is no higher calling than public service and I will be ever grateful for the opportunity afforded to me to serve the people of this State and our Nation during the past twelve years. I wish you and your Administration every success in the difficult tasks which confront you. At the same time I urge you, in discharging those difficult tasks, to recommit your Administration to the principle of non-political meritorious appointment of our Federal law enforcement officials. Further compromise on this issue is certain to redound to the disadvantage of our great Nation.

Respectfully yours

JONATHAN L. GOLDSTEIN UNITED STATES ATTORNEY

enc.

PLEASE ADDRESS ALL MAIL TO UNITED STATES ATTORNET MEWARK, N. J. 07102 AND REFER TO

JLG:ns

United States Department of Justice

UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW JERSEY NEWARE, NEW JERSEY 07102

February 3, 1977

Honorable Griffin B. Bell Attorney General of the United States Department of Justice Washington, D.C. 20530

Dear Attorney General Bell:

I wish to extend my congratulations and best wishes to you upon your assumption of the office of Attorney General of the United States. I look forward to your success in this most critical and demanding office and I stand ready to assist you in discharging your weighty responsibilities.

I am most impressed by President Carter's position and yours concerning the standards to be utilized by the Administration in selecting Federal Judges and United States Attorneys. As one who has spent his entire professional career in the United States Department of Justice, having been recruited into the Department of Justice directly from law school in 1965 by the Department's Honors Program, I was pleased that the President and the Attorney General have publicly endorsed the concept that the administration of justice is too vital a function to be encumbered by a selection process for judicial and prosecutive appointments which places greater emphasis on partisan political considerations than on demonstrated professional competence.

President Carter's public statements and your statements to the United States Senate indicating that it will be your policy to consider for retention on the basis of merit those United States Attorneys who have capably discharged their duties represents a welcome departure from the questionable tradition of the wholesale replacement of United States Attorneys following the election of a President of a different political party than his predecessor. By abandoning this



February 3, 1977

questionable tradition, a giant step will have been taken toward improving the quality of the administration of justice in this country.

In the District of New Jersey, the advantages of a merit selection process over a selection process which accords priority to partisan political considerations have been convincingly demonstrated by events of the past seven years.

In 1969, when I transferred from the Criminal Division of the Department of Justice to become Chief of the Criminal Division in the United States Attorney's Office, New Jersey was universally viewed as one of the more corrupt states, if not the most corrupt state, in the nation. In September of that year, Frederick B. Lacey, now a United States District Judge, was appointed United States Attorney. Prior to 1969, it was purely partisan political considerations that played the dominant role in the selection of Assistant United States Attorneys in this District. No attorney, no matter how capable, could secure a position in this Office unless his appointment was recommended or approved by his county political chairman.

When Judge Lacey assumed office, he instituted a selection process for Assistant United States Attorneys based solely on merit. Political affiliations played no role in the selection process. He selected Herbert J. Stern, now also a United States District Judge, to be the First Assistant and I was selected to be the Chief of the Criminal Division. At the time those selections were made, Judge Stern and I were Justice Department attorneys assigned to the Organized Crime Section of the Criminal Division, having served under Attorneys General Nicholas deB. Katzenbach and Ramsey Clark. We had no political affiliations with either party, and, indeed, were not even residents of New Jersey.

Other Assistants were recruited to the United States Attorney's Office from distinguished law firms in this State and elsewhere solely on the basis of their professional ability and the Office embarked on a program which elevated investigations and prosecutions of organized crime leaders and corrupt public officials to the highest priority. The results are history.

During the next seven years, there ensued a series of investigations and prosecutions by the United States Attorney's Office for the District of New Jersey which resulted in conviction after conviction of scores of corrupt major public officials from both political parties at the municipal, county, state and federal levels. Among those prosecuted were two United States Congressmen, two Secretaries of State, two State Treasurers, the President of the State Senate, the Speaker of the State Assembly, the State Chairmen of both the Republican and Democratic parties, and twelve Mayors, including those of the two largest cities in the State.

When it became apparent that our Office was being conducted on a non-partisan, professional basis, and was pursuing investigations and prosecutions of significant criminal activity with vigor and ability, the public learned that it could obtain redress against corrupt activities by coming foward to our Office. Political leaders learned that investigations and prosecutions could not be aborted by strategic telephone calls or personal contacts. Defense attorneys learned that the government could not be "outgunned" in the courtroom. Finally, we were deluged with applications for employment from outstanding attorneys from throughout the country.

Because this Office has demonstrated that a non-partisan United States Attorney's Office can attract high caliber attorneys, can achieve significant results, and can generate citizen confidence in its law enforcement efforts, we have received consistent support from the leaders of public opinion in New Jersey, as the accompanying editorials and articles demonstrate.

Within the Department, the performance of our Office is well known. We have been regularly consulted by other United States Attorneys' Offices in connection with difficult investigations and prosecutions. Just one notable example is reflected by the public credit which former United States Attorney George Beall of Maryland gave this Office for our assistance in his investigation into corruption in Baltimore County which led to the conviction and resignation of the former Vice President of the United States.

Our Assistants have received numerous commendations and awards from the Department of Justice for their performance in significant and demanding prosecutions and our Office is regularly looked to for assistance in filling instructors' posts in the various programs administered by the Attorney General's Advocacy Institute.

This success was achieved because a commitment to excellence was made. When Judge Lacey was appointed to the Federal bench, his successor as United States Attorney was his then First Assistant, now Judge Stern. When Judge Stern was appointed to the bench, I was serving as First Assistant and was appointed to my present position in June, 1974. Obviously, neither Judge Stern's appointment nor mine could be characterized as partisan political appointments. They were appointments made to maintain the continuity of excellence which the Office has demonstrated.

It is in this context that I write in response to your request that incumbent United States Attorneys advise you whether they wish to remain in their positions. I do wish to remain and request that I be considered for retention as United States Attorney in this District because I believe that my record and the record of my Office amply justify my retention. I recognize that no individual has a vested right in any public office. It is not my desire to cling arbitrarily to this Office for the remaining 17 months of my term, or thereafter. I do, however, desire to insure that the Office which I represent remain non-partisan, nonpolitical, and professional. I do seek for the people of New Jersey, and for the young men and women of this Office who have so freely given of themselves, continuity in excellence, independence and freedom, to pursue meaningful prosecutions. If it be President Carter's view and yours that I am the appropriate person to represent this Administration as United States Attorney for the District of New Jersey, I am prepared to commit myself with vigor to the implementation of the law enforcement programs of the Administration.

I request an opportunity to meet with you at your earliest convenience to discuss the matter in greater depth. In the meantime, if I may be of any assistance to you, please do not hesitate to call upon me.

Respectfully,

Jonathan L. Goldstein United States Attorney

HARRISON A. WILLIAMS, JR., N.J., CHAIRMAN JENNINGS RANDOLPH, W. VA.
CLAIBORNE PELL, R.I.
EDWARD M. KENNEDY, MASS.
GAYLORD NELSON, WIS.
WALTER F. MONDALE, MINN.
THOMAS F. EAGLETON, MO.
ALAN CRANSTON, CALIF.

JACOB K. JAVITS, N.Y.
RICHARD S. SCHWEIKER, PA.
POBERT TAFT, JR., OHIO
J. GLENN BEALL, JR., MD.
ROBERT T. STAFFORD, VT.
PAUL LAXALT, NEV. ALAN CRANSTON, CALIF. WILLIAM D. HATHAWAY, MAINE SOHN A. DURKIN, N.H.

DONALD ELISBURG, GENERAL COUNSEL MARJORIE M. WHITTAKER, CHIEF CLERK

United States Senate

COMMITTEE ON LABOR AND PUBLIC WELFARE WASHINGTON, D.C. 20510

Thank you for your letter concerning the United States Attorney for New Jersey.

I appreciate your taking the time to bring your views to my attention. As you know, the final decision in this matter will be made by the Attorney General and the President.

With best wishes,

Sincerely,

arrison A. Williams, Jr.

HAW:wrsf

HARRISON A. WILLIAMS, JR., N.J., CHAIRMAN

JENNINGS RANDOLPH, W. VA. JACOB K. JAVITS, N.Y. CLAIBORNE PELL, R.I. EDWARD M. KENNEDY, MASS. GAYLORD NELSON, WIS. THOMAS F. EAGLETON, MO. ALAN CRANSTON, CALIF. WILLIAM D. HATHAWAY, MAINE DONALD W. RIEGLE, JR., MICH.

RICHARD S. SCHWEIKER, PA. ROBERT T. STAFFORD, VT.
JOHN H. CHAFEE, R.I.
ORRIN C HATCH, UTAH
S. I. HAYAKAWA, CALIF.

United States Senate

COMMITTEE ON HUMAN RESOURCES WASHINGTON, D.C. 20510

I appreciate your taking the time to write concerning your feelings about Jonathan L. Goldstein.

As an attorney, I am sure you are aware of the distinction drawn between positions like that of judge and that of United States Attorney. Historically, it has been felt that United States Attorneys are in the front line of implementing the efforts of a President to combat crime and thus they should be persons who will accurately reflect the policies of the President.

There is significant sentiment for changes in the basic system of appointing United States Attorneys, and I am sure that this is a matter which will receive substantial study from this Administration.

Meanwhile, the Attorney General has indicated that Mr. Goldstein will be considered for retention while at the same time, he requested, and I complied, the submission of additional names.

With warmest regards,

Sincerely,

rison A. Williams,

HAW:wrsf

Mnited States Senate

WASHINGTON, D.C. 20510

Thank you for your letter concerning the United States Attorney's office in New Jersey.

I feel that it is important to pass along some of the history of this situation. Earlier this year, I met with United States Attorney General Griffin Bell who told me that any incumbents who wished to remain as United States Attorneys would be considered while at the same time he invited me to submit additional names for consideration. I responded by submitting seven names. The Attorney General subsequently indicated that any persons being considered to replace incumbents should be "as good as or better" than the incumbents. The Justice Department has made it quite clear that they regard the people I submitted as meeting that test.

Some of those on my list were persons with whom I was familiar, while others I had not met prior to starting the selection process. Because I am not involved in the practice of law, I felt it would be presumptuous of me to select a single candidate, and thus have left the selection process to the Department of Justice. While Mr. Goldstein's appointment was a political one, I might point out that in making my nominations, I did not inquire into the politics of a single candidate.

My criteria were merit and ability. Overall, it is my desire to see that the United States Attorney's office in New Jersey functions very much in the same fashion as the New York City office did under the late Frank Hogan.

With warmest regards,

Sincerely,

HAW:wr

September 13, 1977

Tim Kraft

The attached was returned in the President's outbox. It is forwarded to you for appropriate handling.

Rick Hutcheson

cc: Hamilton Jordan

RE: U.S. JAYCEES VISIT ON PANAMA CANAL

			FOR STAFFING		
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THE WHITE HOUSE

WASHINGTON

September 12, 1977

ok J

MEMORANDUM FOR THE PRESIDENT

FROM:

HAMILTON JORDAN NS

SUBJECT:

Panama Briefing--U.S. Jaycees

On Friday, September 16, the Board of Trustees and the Executive Committee of the U.S. Jaycees will be provided a briefing on the Panama Canal treaty here at the White House between 2:00 and 4:00 p.m. Bob Rushton, National President of the Jaycees, has indicated a strong interest in having his organization support the Administration in the ratification effort. He has expressed confidence that the Jaycees will be able to formally adopt a position supporting the Administration subsequent to the briefing.

Because of the size of this organization (8500 chapters; 350,000 members) and the character of the organization, it will be the first major business group to formally endorse the treaty. Although we are arranging a comprehensive briefing for this group, your presence there, either for a drop-by to say hello (five minutes) or a briefing by you (fifteen minutes), would help tremendously to ensure a favorable resolution from the group. The Friday program is scheduled in such a way that you could appear at anytime you might be available between two and four. Ideally, it would be right at the close of the session as you have done in the case of the State briefings. (The endorsement of this group could be especially significant in light of the fact that Rushton would like to have the membership undertake a letter-writing effort on behalf of the treaty).



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SEPTEMBER 13, 1977

MR. PRESIDENT:

YOU HAVE THREE APPOINTMENTS

AFTER LUNCH, THE LAST BEING JACK

ANDERSON AT 2:30 P.M. FOR

30 MINUTES.

T.K. fief ok J.C.

Electrostatic Copy Made for Preservation Purposes

September 13, 1977

Landon Butler

The attached was returned in the President's outbox today and is forwarded to you for appropriate handling.

Rick Hutcheson

cc: HANDWRITTEN NOTE ON JOB FOR DON COX





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done re a job for

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T. C.





7:50 p.m.

THE PRESIDENT HAS SEEN.

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THE WHITE HOUSE

WASHINGTON

September 13, 1977

Mrs. Long's manies Carolyn

DINNER WITH SENATOR AND MRS. RUSSELL LONG Tuesday, September 13, 1977

7:00 p.m.
The Residence

FROM:

STU EIZENSTAT

This memorandum incorporates materials which we have received from Secretaries Schlesinger and Califano.

I. BACKGROUND

Senator Long's Finance Committee has jurisdiction over many of the Administration's key initiatives (energy taxes, Social Security, Hospital Cost Containment, Welfare, Tax Reform, National Health Insurance).

II. TALKING POINTS

- A. Energy The House-passed energy bill contains:
 - -- A wellhead tax with a one-year per capita adult rebate
 - -- Gas Guzzler tax
 - -- Utility Rate Reform
 - -- Residential and business conservation tax credits
 - -- Solar and geothermal credits
 - -- Oil and gas coal conversion use taxes
 - -- Natural gas de-regulation

The major area of disappointment relates to the reduced levels of taxation and the exemptions in the oil and natural gas users tax, dropping the projected savings from 3.3 million barrels per day to 1.0 to 1.4 million barrels per day of oil equivalent.

In testimony before Senator Long's Finance Committee, the Secretaries of Energy and Treasury have urged strengthening of the oil and gas users tax (to achieve savings of

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2.4 to 2.7 million barrels per day). They also urged strengthening of the gas guzzler tax. Secretary Schlesinger will testify before Senator Long again this Thursday, and the Committee begins mark-up next week.

SENATOR LONG'S CONCERNS

(1) Use of Wellhead Tax Revenues

Throughout the hearing process, Senator Long has shown interest in using the revenues from the Crude Oil Equalization Tax to establish a trust fund to provide financial assistance for various energy production activities. These activities might include development of shale oil and geopressurized methane (along the Gulf Coast), and entry of new firms into the oil and gas business. He may also be willing to use some of the funds for conservation and for rebates to low income people. He has indicated opposition to the general per-taxpayer rebate (on the ground that it will not help solve the energy problem), and to the heating oil rebate (on the grounds that it is a special benefit for New England).

His latest suggestion (at the leadership breakfast) of a new kind of tax credit for dry and/or exploratory holes seems to be an alternative to the plowback idea he has repeatedly mentioned earlier. Analysis of this approach and possible variations will be developed over the course of the next several days. We recommend no commitments at this time pending analysis.

It would also be worthwhile to learn what else the Senator may have in mind. You might want to emphasize the importance of the per-taxpayer rebate to your general economic program, pointing out the economic drag that would result from removing the wellhead tax revenues from the economy without immediate rebates.

(2) Production Incentives in the NEP

Most of the Senator's complaints will relate to the alleged lack of production incentives in the plan. Our analysis continues to show that the pricing provisions of the NEP provide substantial incentives to bring on new sources of production. The price provided for primary recovery of new oil is the highest of any in the world. The greatest increases in production are expected to come from enhanced or tertiary recovery from existing fields, which also is given the world

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- 3 -

price. In addition, ERDA's research program is emphasizing the development of such new technologies.

Generous and accelerating incentives are provided by the Btu equivalent price for new conventional recovery of natural gas. In addition, the higher cost new technologies that hold the greatest future supply promise -- such as deep drilling, Devonian shale and geopressurized methane -- are granted even higher incentive prices. How Magnetic Prices are managed to the supply supply the supply supply the supply suppl

ERDA has an extensive research program to develop both Devonian shale and geopressurized methane. The Interior Department has leased lands in Colorado in anticipation of several major shale oil demonstrations. Several new OCS sales have been scheduled, including Alaska's Cook Inlet in October, and Georges Bank in the Atlantic next January. With passage of the OCS bill, rules for offshore development will be set and further development can take place.

(3) Oil and Gas Users Tax

Senator Long has expressed sympathy for the complaints of electric utilities about the oil and gas use taxes. You might point out to him that these taxes are the most important part of the program for reducing oil imports and for conserving natural gas, and that we need to cut back the exemptions (particularly for natural gas) rather than expand them.

You should be aware that several energy intensive companies in the Louisiana area are exploring joint venture investments in coal-fired facilities and/or coal gasification facilities which may qualify for the rebate on the oil and gas user's taxes. There are two types of projects:

- -- several firms may join together to build a coal-fired, self-generating plant which produces both electricity and process steam;
- -- a consortium of firms may be formed to invest in a coal gasification plant. The investors would also acquire long-term contracts for synthetic gas to replace their natural gas use.

Some Louisiana companies are looking at this sort of thing and we are working to see that they will qualify for the rebate.

(4) Gas Guzzler Tax

Finally, Senator Long has stated that he favors strengthening the gas guzzler tax. Here, the important point is that it does not do any good to increase the taxes on the worst gas guzzlers. As Detroit tries to comply with the existing fuel economy standards, it simply will stop manufacturing the worst gas guzzlers. Any serious effort to strengthen the gas guzzler tax should be directed to the cars with a miles-per-gallon rating just below the fuel economy standards. Taxes on those cars will have a significant conservation effect.

B. Hospital Cost Containment - Joe advises that this is a good time to urge Senator Long to move the Cost Containment bill. The Senate Human Resources Committee has reported a cost containment bill which now is pending before Finance. Finance has held hearings on the Talmadge bill, but not specifically on the Administration proposal (although when Joe testified, he addressed primarily the Administration bill). Joe is advised that the Finance Committee plans to call additional hearings on the Human Resources bill, the Administration bill and a revised version of the Talmadge bill. Those hearings are expected to be in early October.

We urge you to say:

- o We need something close to our bill for a 3-4 year transitional period to obtain budget savings and reduce the inflationary psychology.
- o We would like to phase into something based on Senator Talmadge's approach of taking into account differences in types and categories of hospitals (it would take 3-4 years from enactment to cover all costs under the Talmadge bill, rather than just routine costs), although modifications in the specific Talmadge proposal are needed.

o You suggest that the Finance Committee staff meet with HEW and your staff to put together a single comprehensive approach, beginning with the Administration's cap and phasing into a system based on Senator Talmadge's. Hopefully this could be done quickly.

You may want to refer to the savings which will result from hospital cost containment -- an estimated total of \$45.5 billion over the five year period to the government and the taxpayers. The total breaks down as follows: \$18.1 billion in medicare and medicaid savings to the Federal Government; \$1.8 billion in savings to the States; \$2.5 billion in other governmental programs, and \$23.1 billion to the private sector. Every day's delay loses millions in projected savings.

C. H.R. 7200, the Public Assistance Amendments of 1977 - As passed by the House, this legislation was an effort to improve the Supplemental Security Income (SSI) and child welfare services program. Our principle opposition was budgetary. The Senate Finance Committee markup of the bill is almost complete, and the add-ons by the Committee have made it a much more complex and controversial measure, containing some 60 provisions.

Many of those provisions would make significant changes in the AFDC, SSI and child welfare programs. The majority of the AFDC provisions are inconsistent with the basic nature of our welfare reform proposal, especially those which are special favorites of Long. For example, the bill would allow states to require welfare mothers to "work off" their AFDC payments with no additional compensation. The Administration bill is based on the principle that jobs efforts will work only if employment is more attractive than welfare.

In addition, one provision would distribute \$1 billion in fiscal relief starting next year on terms that would give two-thirds to just five States. This is a variation on a proposal by Senator Moynihan which again operates on different principles than our welfare reform proposal.

The child welfare provisions omit the major thrust of the Administration's foster care/adoptions proposal -- to require states to "track" and review the files of children who are lost in the foster care system, in order to return them to their families or place them with adoptive parents.

In its present form, we believe this bill would be difficult for the Administration to accept.

- D. Social Security Financing The Finance Committee staff, working under Senator Long's direction, has prepared an alternative social security financing package which departs in major respects from the Administration plan.
 - o It would lift the limit on the employers' wage base all at once, in 1978. We had begun it in 1979 and phased it over three years to ease the effect on the economy. The CEA is very concerned about this Long provision. The budget resolution is inconsistent with the approach, and we are told that Senator Long may now propose lifting the ceiling all at once in 1979. CEA's concerns apply equally to this approach. Charlie Schultze feels phasing is very important given the potentially fragile condition of the economic recovery.
 - o The alternative plan also offers a decoupling scheme which would bring about an eventual decline in the "wage replacement rate", reducing benefits as a share of past earnings. Our plan, in keeping with your campaign pledge, commits to a permanently stabilized replacement rate.
 - o The third major difference is that the Long plan does not build up an adequate reserve and offers no countercyclical protection of the projected reserves against another severe recession.

Strategy

The Administration may be faced with accepting somewhat different approaches in the House and Senate in order to reach the best ultimate result. The general revenue contribution clearly is not acceptable in either House, and we recommend not insisting on it so long as other acceptable solutions are found.

Senator Gaylord Nelson has been talking with Long about a compromise which would not subvert any of the basic principles represented in the Administration plan, has developed substantial support in the committee for his positions, and should be clearly identified as the member of the Committee who is working closely with us although not an Administration agent.

Senator Nelson's proposal would:

- o Raise the employer base from \$17,700 to \$25,000 in 1978, to \$40,000 in 1979, and to \$100,000 in 1980. (We have urged moving these forward one year, so that increases would begin in 1979.)
- o Impose tax increases of .1 on employers and employees in 1981, .3 in 1985, and .6 in 1990. (We originally proposed .25 in 1985 and .75 in 1990.) Both approaches are a shifting of increases presently scheduled for the year 2011.
- o Reallocate revenue (\$2.4 billion a year) from the Health Insurance trust fund tax increase (.2 on employers and employees) already scheduled for 1978, with a further reallocation in 1981 when another HI tax increase is scheduled under existing law.
- o Increase general revenue payments to the HI fund. (HI presently receives some general revenues, so arguably no violation of principle is involved).
- o Return the self-employed tax to its historic rate of 1.5 times the employee rate (agreed by all parties and in all plans), but postpone effective date from 1979 as proposed by the Administration to 1981, as proposed by Senator Long.
- o Raise employee wage base by \$600, in addition to scheduled increases in 1979, 1981, 1983 and 1985 (proposed by both the Administration and Senator Long).
- o Decouple with stable wage replacement rates, but stabilize at 1976 replacement rates (43%) rather than at 1979 rates as proposed by the Administration (45%).

Other minor adjustments.

The Finance Committee is considering the Social Security package before taking final action on H.R. 7200, and the Chairman earlier proposed that Social Security financing might be incorporated as part of H.R. 7200 for consideration on the Senate floor. Given the undesirable features of H.R. 7200, the Administration has strongly opposed incorporating Social Security, and is working hard in the committee to keep them apart.

Joe hopes you will emphasize to Chairman Long how important it is to report the bills separately -- especially since the House now appears willing to move a separate Social Security bill.

E. Welfare Reform - The welfare reform bill was introduced in the House on Monday by Congressman Corman, the Chairman of the special Welfare Reform Subcommittee. Senator Moynihan, Chairman of the Senate Finance Subcommittee on Public Assistance, Senator Javits and Senator Williams are introducing the bill in the Senate. Senator Moynihan hopes to hold hearings in October, but the full Finance Committee (according to the staff) probably will not hold hearings until the House passes a bill, in accordance with their usual practice.

Senator Long continues to state his preference for a system of <u>experiments</u> with various approaches, rather than adoption of <u>a single comprehensive reform</u>.

We are also attaching a brief summary by Secretary Califano of the Administration proposed approach to negotiating in the House and Senate on Social Security.

THE WHITE HOUSE

WASHINGTON

September 13, 1977

DINNER WITH SENATOR AND MRS. RUSSELL LONG
Tuesday, September 13, 1977
7:00 p.m.
The Residence

FROM:

STU EIZENSTAT IN FRANK MOORE

This memorandum incorporates materials which we have received from Secretaries Schlesinger and Califano.

I. BACKGROUND

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 - -- Natural gas de-regulation

The major area of disappointment relates to the reduced levels of taxation and the exemptions in the oil and natural gas users tax, dropping the projected savings from 3.3 million barrels per day to 1.0 to 1.4 million barrels per day of oil equivalent.

In testimony before Senator Long's Finance Committee, the Secretaries of Energy and Treasury have urged strengthening of the oil and gas users tax (to achieve savings of 2.4 to 2.7 million barrels per day). They also urged strengthening of the gas guzzler tax. Secretary Schlesinger will testify before Senator Long again this Thursday, and the Committee begins mark-up next week.

SENATOR LONG'S CONCERNS

(1) Use of Wellhead Tax Revenues

Throughout the hearing process, Senator Long has shown interest in using the revenues from the Crude Oil Equalization Tax to establish a trust fund to provide financial assistance for various energy production activities. These activities might include development of shale oil and geopressurized methane (along the Gulf Coast), and entry of new firms into the oil and gas business. He may also be willing to use some of the funds for conservation and for rebates to low income people. He has indicated opposition to the general per-taxpayer rebate (on the ground that it will not help solve the energy problem), and to the heating oil rebate (on the grounds that it is a special benefit for New England).

His latest suggestion (at the leadership breakfast) of a new kind of tax credit for dry and/or exploratory holes seems to be an alternative to the plowback idea he has repeatedly mentioned earlier. Analysis of this approach and possible variations will be developed over the course of the next several days. We recommend no commitments at this time pending analysis.

It would also be worthwhile to learn what else the Senator may have in mind. You might want to emphasize the importance of the per-taxpayer rebate to your general economic program, pointing out the economic drag that would result from removing the wellhead tax revenues from the economy without immediate rebates.

(2) Production Incentives in the NEP

Most of the Senator's complaints will relate to the alleged lack of production incentives in the plan. Our analysis continues to show that the pricing provisions of the NEP provide substantial incentives to bring on new sources of production. The price provided for primary recovery of new oil is the highest of any in the world. The greatest increases in production are expected to come from enhanced or tertiary recovery from existing fields, which also is given the world

price. In addition, ERDA's research program is emphasizing the development of such new technologies.

Generous and accelerating incentives are provided by the Btu equivalent price for new conventional recovery of natural gas. In addition, the higher cost new technologies that hold the greatest future supply promise -- such as deep drilling, Devonian shale and geopressurized methane -- are granted even higher incentive prices. How Moch?

ERDA has an extensive research program to develop both Devonian shale and geopressurized methane. The Interior Department has leased lands in Colorado in anticipation of several major shale oil demonstrations. Several new OCS sales have been scheduled, including Alaska's Cook Inlet in October, and Georges Bank in the Atlantic next January. With passage of the OCS bill, rules for offshore development will be set and further development can take place.

(3) Oil and Gas Users Tax

Senator Long has expressed sympathy for the complaints of electric utilities about the oil and gas use taxes. You might point out to him that these taxes are the most important part of the program for reducing oil imports and for conserving natural gas, and that we need to cut back the exemptions (particularly for natural gas) rather than expand them.

You should be aware that several energy intensive companies in the Louisiana area are exploring joint venture investments in coal-fired facilities and/or coal gasification facilities which may qualify for the rebate on the oil and gas user's taxes. There are two types of projects:

- several firms may join together to build a coal-fired, self-generating plant which produces both electricity and process steam;
- -- a consortium of firms may be formed to invest in a coal gasification plant. The investors would also acquire long-term contracts for synthetic gas to replace their natural gas use.

Some Louisiana companies are looking at this sort of thing and we are working to see that they will qualify for the rebate.

(4) Gas Guzzler Tax

Finally, Senator Long has stated that he favors strengthening the gas guzzler tax. Here, the important point is that it does not do any good to increase the taxes on the worst gas guzzlers. As Detroit tries to comply with the existing fuel economy standards, it simply will stop manufacturing the worst gas guzzlers. Any serious effort to strengthen the gas guzzler tax should be directed to the cars with a miles-per-gallon rating just below the fuel economy standards. Taxes on those cars will have a significant conservation effect.

B. Hospital Cost Containment - Joe advises that this is a good time to urge Senator Long to move the Cost Containment bill. The Senate Human Resources Committee has reported a cost containment bill which now is pending before Finance. Finance has held hearings on the Talmadge bill, but not specifically on the Administration proposal (although when Joe testified, he addressed primarily the Administration bill). Joe is advised that the Finance Committee plans to call additional hearings on the Human Resources bill, the Administration bill and a revised version of the Talmadge bill. Those hearings are expected to be in early October.

We urge you to say:

- o We need something close to our bill for a 3-4 year transitional period to obtain budget savings and reduce the inflationary psychology.
- o We would like to phase into something based on Senator Talmadge's approach of taking into account differences in types and categories of hospitals (it would take 3-4 years from enactment to cover all costs under the Talmadge bill, rather than just routine costs), although modifications in the specific Talmadge proposal are needed.

o You suggest that the Finance Committee staff meet with HEW and your staff to put together a single comprehensive approach, beginning with the Administration's cap and phasing into a system based on Senator Talmadge's. Hopefully this could be done quickly.

You may want to refer to the savings which will result from hospital cost containment — an estimated total of \$45.5 billion over the five year period to the government and the taxpayers. The total breaks down as follows: \$18.1 billion in medicare and medicaid savings to the Federal Government; \$1.8 billion in savings to the States; \$2.5 billion in other governmental programs, and \$23.1 billion to the private sector. Every day's delay loses millions in projected savings.

C. H.R. 7200, the Public Assistance Amendments of 1977 - As passed by the House, this legislation was an effort to improve the Supplemental Security Income (SSI) and child welfare services program. Our principle opposition was budgetary. The Senate Finance Committee markup of the bill is almost complete, and the add-ons by the Committee have made it a much more complex and controversial measure, containing some 60 provisions.

Many of those provisions would make significant changes in the AFDC, SSI and child welfare programs. The majority of the AFDC provisions are inconsistent with the basic nature of our welfare reform proposal, especially those which are special favorites of Long. For example, the bill would allow states to require welfare mothers to "work off" their AFDC payments with no additional compensation. The Administration bill is based on the principle that jobs efforts will work only if employment is more attractive than welfare.

In addition, one provision would distribute \$1 billion in fiscal relief starting next year on terms that would give two-thirds to just five States. This is a variation on a proposal by Senator Moynihan which again operates on different principles than our welfare reform proposal.

The child welfare provisions omit the major thrust of the Administration's foster care/adoptions proposal -- to require states to "track" and review the files of children who are lost in the foster care system, in order to return them to their families or place them with adoptive parents.

In its present form, we believe this bill would be difficult for the Administration to accept.

- D. Social Security Financing The Finance Committee staff, working under Senator Long's direction, has prepared an alternative social security financing package which departs in major respects from the Administration plan.
 - o It would <u>lift the limit on the employers' wage base</u> all at once, in 1978. We had begun it in 1979 and phased it over three years to ease the effect on the economy. The CEA is very concerned about this Long provision. The budget resolution is inconsistent with the approach, and we are told that Senator Long may now propose lifting the ceiling all at once in 1979. CEA's concerns apply equally to this approach. Charlie Schultze feels phasing is very important given the potentially fragile condition of the economic recovery.
 - o The alternative plan also offers a decoupling scheme which would bring about an eventual decline in the "wage replacement rate", reducing benefits as a share of past earnings. Our plan, in keeping with your campaign pledge, commits to a permanently stabilized replacement rate.
 - o The third major difference is that the Long plan does not build up an adequate reserve and offers no countercyclical protection of the projected reserves against another severe recession.

Strategy

The Administration may be faced with accepting somewhat different approaches in the House and Senate in order to reach the best ultimate result. The general revenue contribution clearly is not acceptable in either House, and we recommend not insisting on it so long as other acceptable solutions are found.

Senator Gaylord Nelson has been talking with Long about a compromise which would not subvert any of the basic principles represented in the Administration plan, has developed substantial support in the committee for his positions, and should be clearly identified as the member of the Committee who is working closely with us although not an Administration agent.

Senator Nelson's proposal would:

- o Raise the employer base from \$17,700 to \$25,000 in 1978, to \$40,000 in 1979, and to \$100,000 in 1980. (We have urged moving these forward one year, so that increases would begin in 1979.)
- o Impose tax increases of .1 on employers and employees in 1981, .3 in 1985, and .6 in 1990. (We originally proposed .25 in 1985 and .75 in 1990.) Both approaches are a shifting of increases presently scheduled for the year 2011.
- o Reallocate revenue (\$2.4 billion a year) from the Health Insurance trust fund tax increase (.2 on employers and employees) already scheduled for 1978, with a further reallocation in 1981 when another HI tax increase is scheduled under existing law.
- o Increase general revenue payments to the HI fund. (HI presently receives some general revenues, so arguably no violation of principle is involved).
- o Return the self-employed tax to its historic rate of 1.5 times the employee rate (agreed by all parties and in all plans), but postpone effective date from 1979 as proposed by the Administration to 1981, as proposed by Senator Long.
- o Raise employee wage base by \$600, in addition to scheduled increases in 1979, 1981, 1983 and 1985 (proposed by both the Administration and Senator Long).
- o Decouple with stable wage replacement rates, but stabilize at 1976 replacement rates (43%) rather than at 1979 rates as proposed by the Administration (45%).

Other minor adjustments.

The Finance Committee is considering the Social Security package before taking final action on H.R. 7200, and the Chairman earlier proposed that Social Security financing might be incorporated as part of H.R. 7200 for consideration on the Senate floor. Given the undesirable features of H.R. 7200, the Administration has strongly opposed incorporating Social Security, and is working hard in the committee to keep them apart.

Joe hopes you will emphasize to Chairman Long how important it is to report the bills separately -- especially since the House now appears willing to move a separate Social Security bill.

E. Welfare Reform - The welfare reform bill was introduced in the House on Monday by Congressman Corman, the Chairman of the special Welfare Reform Subcommittee. Senator Moynihan, Chairman of the Senate Finance Subcommittee on Public Assistance, Senator Javits and Senator Williams are introducing the bill in the Senate. Senator Moynihan hopes to hold hearings in October, but the full Finance Committee (according to the staff) probably will not hold hearings until the House passes a bill, in accordance with their usual practice.

Senator Long continues to state his preference for a system of experiments with various approaches, rather than adoption of a single comprehensive reform.

We are also attaching a brief summary by Secretary Califano of the Administration proposed approach to negotiating in the House and Senate on Social Security.